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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI'I

KĀPA‘A, CONSERVATION
COUNCIL FOR HAWAI‘I, and
CENTER FOR BIOLOGICAL
DIVERSITY

Plaintiffs,

V.

DONALD J. TRUMP, in his official capacity as President of the United States; HOWARD LUTNICK, in his official capacity as Secretary of Commerce of the United States; LAURA GRIMM, in her official capacity as Acting Administrator of the National Oceanic and Atmospheric Administration; EUGENIO PIÑEIRO SOLER, in his official capacity as Assistant Administrator for NOAA Fisheries; and DOUG BURGUM, in his official capacity as Secretary of the Interior of the United States,

Defendants.

) CASE NO. CV 25-00209 MWJS-WRP
)
) PLAINTIFFS' MOTION TO
) EXPEDITE PURSUANT TO 16
) U.S.C. § 1855(f)(4) OR,
) ALTERNATIVELY, 28 U.S.C. §
) 1657(a); MEMORANDUM IN
) SUPPORT

Judge: Hon. Micah W.J. Smith

Trial Date: None Set

PLAINTIFFS' MOTION TO EXPEDITE PURSUANT TO 16 U.S.C. § 1855(f)(4)
OR, ALTERNATIVELY, 28 U.S.C. § 1657(a)

Plaintiffs KĀPA‘A, CONSERVATION COUNCIL FOR HAWAI‘I, and CENTER FOR BIOLOGICAL DIVERSITY, by and through their counsel Earthjustice, hereby move this Court pursuant to Magnuson-Stevens Fishery Conservation and Management Act (“Magnuson-Stevens Act”) Section 305(f)(4), 16 U.S.C. § 1855(f)(4), and Local Rule 7.1 for an order expediting proceedings in this matter. Plaintiffs request the Court to expedite proceedings on Plaintiffs’ Magnuson-Stevens Act claims in this case “in every possible way,” 16 U.S.C. 1855(f)(4), including by scheduling a hearing on Plaintiffs’ Motion for Summary Judgment re: Fifth and Sixth Claims for Relief (filed herewith) for “the earliest possible date”¹ and issuing a ruling as soon as possible thereafter. If Defendants ultimately take the position, and the Court agrees, that Plaintiffs have not stated a claim under the Magnuson-Stevens Act, Plaintiffs alternatively seek expedited proceedings under 28 U.S.C. § 1657(a).

Pursuant to Local Rule 7.1(c), the Court should decide this motion to expedite without a hearing to allow for timely resolution of this procedural matter.

¹ The parties have agreed upon an August 5, 2025 hearing date, as explained *infra*.

This motion is based on the pleadings and other papers on file herein, the memorandum attached hereto, and such other matters as may be presented to the Court.

This motion is made following the conference of counsel pursuant to Local Rule 7.8, which took place on June 17, 2025. With the understanding that Plaintiffs are not seeking a preliminary injunction or temporary restraining order, Defendants consent to an August 5 hearing date for Plaintiffs' motion for partial summary judgment on their fifth and sixth claims for relief, with Defendants' brief due 21 days before the hearing, per Local Rule 7.2. Defendants take no position on Plaintiffs' request that the Court issue a decision on Plaintiffs' motion as soon as possible after the hearing. Defendants reserve all arguments on the applicability of 16 U.S.C. § 1855(f)(4) to the instant case, and reserve as well all arguments in opposition to Plaintiffs' motion for partial summary judgment.

DATED: June 24, 2025

/s/ David L. Henkin

DAVID L. HENKIN

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ELENA L. BRYANT

EARTHJUSTICE

Attorneys for Plaintiffs

Kāpa'a, Conservation Council for Hawai'i,
and Center for Biological Diversity